

COMMISSIONERS APPROVAL

GRANDSTAFF *Cg*

ROKOSCH

CHILCOTT *R*

DRISCOLL *KD*

IMAN *JR*

PLETTENBERG (Clerk & Recorder)

Date.....January 8, 2009

Members Present.....Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, and Commissioner Kathleen Driscoll

Minutes: Beth Perkins

- ▶ Commissioner Chilcott attended the MACo Legislative meeting in Helena for the day.
- ▶ Commissioner Iman attended the Board of Directors meeting for the Human Resource Council in Missoula.
- ▶ The Board met for a public hearing for Homestretch Lot 2 Subsequent minor subdivision plus one variance request. Present were Planners Randy Fifrick and Jon Wickersham, Representative Terry Nelson, and Owner Peggy Steffes.

Commissioner Grandstaff opened the public hearing and requested any conflicts of interest be disclosed. Hearing none, she then requested the Planning Staff Report be read.

Randy presented the Staff Report as follows:

**HOMESTRETCH LOT 2, AP  
3-LOT SUBSEQUENT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE  
OR RENT AND ONE VARIANCE REQUEST**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Randy Fifrick

**REVIEWED/**

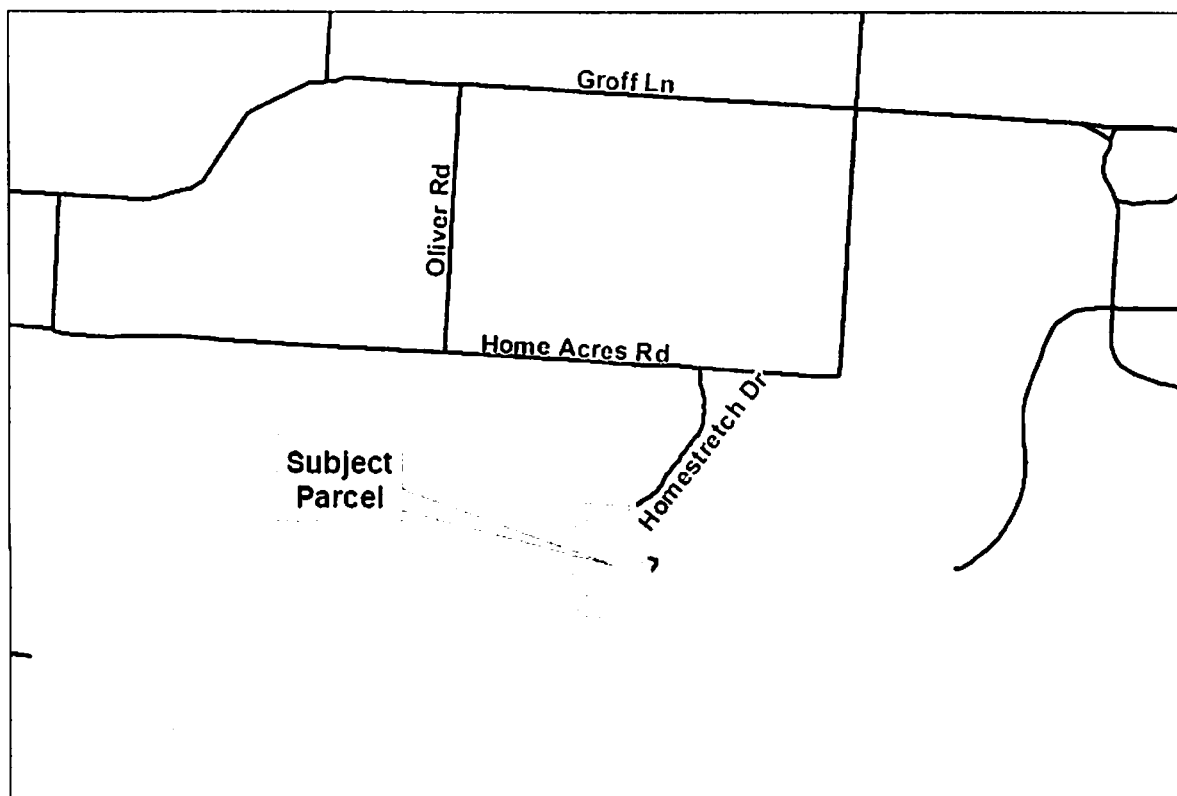
**APPROVED BY:** Tristan Riddell

**PUBLIC MEETINGS:** BCC Public Hearing: 9:00 a.m. January 8, 2009  
Deadline for BCC action (60 working days): February 13, 2009

**SUBDIVIDER:** Peggy Steffes  
680 Homestretch Drive  
Stevensville, MT 59870

**REPRESENTATIVE:** Applebury Survey  
914 U.S. Highway 93  
Victor, MT 59875

**LOCATION OF REQUEST:** The property is located southeast of Stevensville on Homestretch Drive. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

AP Lot 2, Homestretch Subdivision; SW 1/4 of  
Section 25, T8N, R20W, P.M.M., Ravalli County,  
Montana.

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
JANUARY 8, 2009**

**HOMESTRETCH LOT 2, AP  
3-LOT SUBSEQUENT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE  
OR RENT AND ONE VARIANCE REQUEST**

**RECOMMENDED MOTION**

That the variance request from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations to allow for the cul-de-sac length to exceed 1400-feet and road grade to exceed 10%, be *denied*, based on the findings of fact and conclusions of law in the staff report.

*Without a variance from Section 5-4-4(h), Table B-1, the current proposal for the internal road would not comply with the standards set forth in the Ravalli County Subdivision Regulations (RCSR) and the application would be deemed insufficient based on lack of preliminarily approved road plans.*

*If the variance request is approved by the BCC, a motion should be made to continue the public hearing to January 29, 2009, at which time the Board will hear the subdivision proposal.*

**VARIANCE REPORT**

**VARIANCE REQUEST**

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations for maximum road grades and maximum cul-de-sac length. The subdivision regulations require a maximum road grade of 10%, but the proposed road is approximately 11.5%. Furthermore, the subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed cul-de-sac length is approximately 2,400 feet.

**Compliance with Review Criteria**

**A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

**Findings of Fact:**

1. The variance application states that re-grading the roadway would have a negative effect on the existing driveway to Lot 5B (AP 495234). It continues to state that the proposed improvements to the roadway would provide a safer access for emergency vehicles than the existing gravel roadway.
2. The existing driveway to Lot 5B (AP 495234) appears to not be effected by any road grading. The required road improvements will end approximately 400 feet prior to the existing driveway of Lot 5B (AP 495234). (Staff Determination, Homestretch Lot 2 Application)

3. The subdivision has the potential to generate 16 trips per day to Homestretch Drive, estimating 8 trips per day per new lot. (Homestretch Lot 2 Application)
4. Section 5-4-1(5) of the RCSR states that "road standards should be designed to promote public health, safety and welfare." Varying from the adopted road standards has a direct impact on public health and safety. (RCSR Section 5-4-1(5))
5. Section 5-4-1(9) of the RCSR states that "cul-de-sacs represent a viable means of providing access to properties provided the length does not become too long." (RCSR Section 5-4-1(9))
6. The RCSR require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,400 feet. (Homestretch Lot 2 Application)
7. In a letter dated March 27, 2008, Bill Perrin, Chief of the Stevensville Rural Fire Department (SRFD) states the SRFD cannot insure adequate fire protection for this subdivision. The SRFD is requesting denial of the road grade variance unless the new homes install sprinkler systems. The SRFD has no objection to the cul-de-sac variance. (Exhibit A-1)
8. Ravalli County does not have Building Codes nor does the County currently have the ability to enforce Building Codes. Even if the subdivider agreed to require that all new homes install sprinkler systems as a condition of approval, the County would have no means of ensuring such condition was met. (Staff Determination)
9. In the preliminary plat decision for the Homestretch minor subdivision an email from the SRFD states that future development of the site would require upgrading the road to a full 24-foot wide travel surface with a maximum grade of 6%. (Homestretch PPD, Homestretch Lot 2 File)
10. The proposed road has a maximum grade of approximately 11.5%. Section 5-4-4(h), Table B-1 of the RCSR allows for a maximum grade of 10%. (Homestretch Lot 2 Application)
11. The road grade in the RCSR is established to provide a maximum grade at which emergency service providers will be able to access the subject property. Exceeding the grade specified in the RCSR may result in the inability of emergency service providers to access the site in the case of an emergency. (Staff Determination)
12. In an email dated December 18, 2008, David Ohnstad, Road Supervisor for the Ravalli County Road and Bridge Department, states the following: "The design standard for Maximum Grade for Local Rural Roads at a 25 mph design speed is 11% in "rolling" terrain (AASHTO Green Book). Any deviation from that guidance would require justification and mitigation through a Design Exception. Relative to the (subdivision regulations) variance request for maximum grade, the Road & Bridge Department would not support a design exceeding the above referenced guidance absent, again, a completed Design Exception proposal". (Exhibit A-2)
13. While the AASHTO Green Book may provide for a maximum grade up to 11% for similar situations, the Ravalli County Subdivision Regulations specifically provide that road grade may not exceed 10%. Section 1-5 of the RCSR states that when a provision of the RCSR conflicts with any other local, state, or federal regulation, in general the most restrictive requirement that imposes the highest standard shall control. Further, with respect to the Road standards in Chapter 5, any conflicts shall be interpreted according to a hierarchy that states the provisions in the RCSR have weight over the provisions in AASHTO. (Staff Determination)
14. In his email dated December 18, 2008, David Ohnstad further went on to state that for the requested variance for cul-de-sac length, they would not oppose the request provided there is some identified justification. (Exhibit A-2)

Conclusions of Law:

1. The applicant has not provided justification suitable for the granting of the variance
2. The granting of this variance may be substantially detrimental to the public health, safety, and general welfare.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. The application states that the conditions are unique to this property as the roadway is an existing gravel surface and all that is proposed is to have it paved and widened. (Homestretch Lot 2 Application)
2. There are many other properties in Ravalli County that are accessed via long gravel cul-de-sac roads. The RCSR require all lots serving three to five units within the subdivision to be hard surfaced. (Staff Determination and RCSR Section 5-4-5(b)(2))

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

1. The application states that the existing driveway to Lot 5B (AP 495234) is already very steep. It further states that complying with the 10% road grade would result in lowering the roadway about 3' at the driveway, making it impossible to provide a safe connection. (Homestretch Lot 2 Application)
2. The existing driveway to Lot 5B (AP 495234) appears to not be effected by any road grading. The required road improvements will end approximately 400 feet prior to the existing driveway of Lot 5B (AP 495234). (Staff Determination, Homestretch Lot 2 Application)
3. Applying proper design and engineering, it is not unlikely that the road could be reconstructed to meet the grade specified within the RCSR while preserving the integrity of the existing access to Lot 5B. (Staff Determination)
4. When the road was originally constructed by the lands current or previous owner(s) it could have been built at a lesser grade. (Staff Determination)
5. The current landowner requested a variance from improving Homestretch Drive during the Homestretch Subdivision (2004), that subdivision created the parcel which is now proposed for further subdivision. (Homestretch PPD, Homestretch Lot 2 File)

Conclusion of Law:

Physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Clerk & Recorder's Office)
3. Ravalli County voters voted to repeal the County's Growth Policy in the 2008 General Election. Consequently, Ravalli County does not have a Growth Policy. (2008 Ravalli County General Election (R-1-08))

**Conclusion of Law:**

Neither zoning regulations nor the Growth Policy apply to the variance request.

**E. The variance will not cause a substantial increase in public costs.**

**Findings of Fact:**

1. The application states that the variance will not cause any increase in public costs. (Homestretch Lot 2 Application)
2. The costs associated with improving the road are private costs to be borne by the developer. (RCSR 5-1-6)

**Conclusion of Law:**

Granting the variance should not cause a substantial increase in public costs.

**Prerequisite Variance Criteria**

**A. Strict compliance with these regulations will result in undue hardship.**

**Findings of Fact:**

1. The conclusion for Criterion B is that the conditions upon which the variance is proposed are not unique to the property.
2. The conclusion for Criterion C is that physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

**Conclusion of Law:**

Strict compliance with these regulations will not result in undue hardship.

**B. Compliance is not essential to the public welfare.**

**Findings of Fact:**

1. The conclusion for Criterion A is that by granting this variance, there would be significant negative impacts on public health, safety, and general welfare.
2. The conclusions for Criterion D are that zoning regulations do not apply to the variance request, and that consistency with an adopted growth policy is not applicable.
3. The conclusion for Criterion E is that the granting of the variance should not cause a substantial increase in public costs.

**Conclusion of Law:**

Compliance is essential to the public welfare.

### **C. Overall Conclusion on Hardship and Public Welfare**

The variance application provides evidence that there is not an undue hardship and that compliance with the RCSR is essential to the public welfare.

Commissioner Rokosch asked for clarification of the original subdivision request from the Stevensville Rural Fire District to upgrade the road to a full 24 foot wide travel surface with a maximum grade of 6%. Randy replied it was part of the 2004 subdivision review but since has changed.

Commissioner Grandstaff opened public comment.

Terry stated they are asking for a variance for the road grade to be 11.5% instead of the maximum 10%. He stated the irrigation ditch makes it difficult to make the 10% but would improve the road if the grade is dropped. He stated it is a private road and it was brought up to county standards five years ago. He stated the regulations have changed since then and now requires paving. There are currently four structures on the road and with the two additional structures if the subdivision is approved, it would improve the road dramatically. Terry presented a letter to the Board from Bill Perrin in 2004 from the Stevensville Rural Fire District that the road is sufficient. Terry stated Bill Perrin issued a statement if the new structures would install sprinkler systems, he would be fine with the road. He stated it would be considered mitigation for the road. Terry stated they are not dealing with a new road but an existing road servicing several residents and this action would improve the road for those residents. He requested approval of the variance or if it is denied, to discuss what can be done to deem it sufficient.

Peggy Steffes stated she wrote her first check to Planning in 2004 for this subdivision. She stated she is a resident for over 30 years. Peggy stated her other developments have been energy efficient and one structure is completely solar powered. She stated these developments have added to the job base in the valley as well as provide nice homes. She reviewed other expenses of her subdivision process with the Board.

Darrell Wise stated he is a neighbor and is opposed to the variance. The road is dangerous. He stated in the winter, UPS and FedEx will not deliver and emergency vehicles cannot come down the road. He stated he has slid on the road numerous times and there would be no traction with a paved road. He stated there is a switchback turn and if the pavement was frosted over, it would be a hazard. He stated he could not get his four wheel drive vehicle up the road this past month. He stated no one could make it up the road unless they had chains and a good four wheel drive vehicle. If there is a fire, no emergency vehicles could respond and that would be a lawsuit if this road is approved. He stated the corners of the road are a severe hazard with the recent icing. Darrell stated he spent eight hours yesterday with a tractor to try to remove some of the ice from the road so vehicles could pass. Darrell also pointed out the wildlife habitat issue. He also presented the Board with photos of mule deer in rut. Commissioner Grandstaff stated the

Board is not hearing the subdivision but the variance request at this time. Darrell stated he is opposed to the variance. He would recommend leaving the road gravel for traction.

Peggy stated when Darrell slid off the road, he was returning from Canada and it was two or three in the morning and had no idea of the weather conditions for the road. She stated there is going to be bad weather conditions in the winter. She stated in her opinion, the road is not bad. She stated she wants to improve the road. She stated Darrell begged her to sell him that land because he does not want any residences there. Peggy stated yes she did slide on New Year's Eve but was able to get out. She is agreeable to the sprinkler systems.

Commissioner Grandstaff closed public comment and opened board deliberations.

Commissioner Rokosch stated public safety is the focus of the Board's decision. He stated they have to give strong consideration for the statement from the Stevensville Rural Fire District. He stated there is significant interest from the fire departments to reduce the grade requirements to 8% and it needs to be taken very seriously. He stated he likes to see the types of developments such as the ones Peggy builds throughout the valley. He stated there is no assurance for the sprinkler systems. He stated there is a letter from the Road & Bridge Department Supervisor David Ohnstad for the AASHTO standards at 11%.

Commissioner Driscoll agrees with Commissioner Rokosch on the safety issue. She stated they are beautiful homes there but the safety issues of the road cannot be ignored. Commissioner Rokosch stated he did not get to do a site visit. He stated there is a recommendation from the Fire District and it needs to be seriously considered. Commissioner Grandstaff stated she does not know if there has been a decision made contrary to a fire district recommendation and the sprinkler systems cannot be enforced. She stated if there is a decision made contrary to recommendations and there is a fire, the County could very well be liable. Commissioner Rokosch stated wrongful death suits can go into the millions and it is reality that would fall onto the taxpayers of this County. Commissioner Driscoll stated she has discussed with fire marshals about not having sprinkler systems.

Terry stated this variance is for the slope of the road and the length of the cul-de-sac. He stated they have the ability to fix the grade road issue but not the cul-de-sac length. He requested a partial approval on the cul-de-sac length. He stated they are in agreement with the Fire District. He stated the sprinklers could be a condition of approval along with the septic permit with a bond. He stated the alternative could be to post a bond prior to the subdivision approval. He requested the Board to think about the alternatives for enforcement. Peggy stated she spoke to Bill Perrin who was under the assumption the buildings were going to be further up the hill at 1400 feet. She stated the cul-de-sac would make it easier for a 60 foot vehicle to turn around. She stated she is willing to widen and grade to road.



Commissioner Grandstaff stated it seems to her the application is premature if Peggy is willing to improve the road. Terry replied the engineer put the application in and for what was applicable to it. If Peggy is willing to grade, he believes it could be done to 10% but if the road is raised, the slopes have to be raised as well. He stated the proposed cuts are not much and also there is on the profile, there are some cuts and fills to make it better than what it is. Peggy added where the switchback is located, the landowner is in favor of any road improvement. Commissioner Rokosch commented on the cul-de-sac length and stated letters received from the Fire District, they are not in opposition of the length. He stated it is a matter of public safety and he is not in objection to the length of the cul-de-sac. Randy stated if the variance did not include the road grade, Staff would have recommended approval of the variance for cul-de-sac length. He stated he would be open to approval of the cul-de-sac length. Terry requested any mitigation for the 11.5% grade of the road such as a letter from the Fire District. Commissioner Grandstaff stated she is uncomfortable with mitigation for public safety because it is the responsibility of the Board to ensure public safety and it is a huge liability. Commissioner Rokosch stated in terms of the engineering, the road could be within standards. Terry requested approval based on the road be brought to 10% grade.

Darrell stated you can't avoid the issue of elevation. Commissioner Grandstaff stated she does not know how to address creating a safety issue with paving the road. Tristan stated it would be a Staff determination of the application is sufficient with new engineering for the road and if it was a non-material regulation. He stated the Board has until February 13<sup>th</sup> date for a decision. Commissioner Rokosch requested a turnout be incorporated into the road design and have the Fire District issue a letter of approval for the cul-de-sac length. Commissioner Grandstaff suggested requesting a variance for paving the road at the request of Darrel not wanting the road paved. Commissioner Rokosch requested a road maintenance agreement. Terry suggested a supra which is a tilt of the road on the curve. He stated it is possible for an additional cul-de-sac. He asked if the Board would like to see that section paved. Commissioner Rokosch replied he would like to have it paved. Commissioner Driscoll asked for more information regarding the sprinkler system.

Tristan stated the County cannot make a condition to enforce building codes with the sprinkler system however, the owner and developer can make it a covenant on their own.

Commissioner Rokosch made a motion to continue the Homestretch Lot 2 AP 3-Lot Subsequent minor subdivision and subdivision for lease or rent and one variance request until the Planning Department Staff can determine whether the road changes are material or non-material. Commissioner Driscoll seconded the motion and all voted 'aye'.

► The Board met for approval of submission of OVAW grant with Marty Birkeneder. Present were County Attorney George Corn, Sheriff Chris Hoffman, Jamie Ogden from S.A.F.E. and Administrative Assistant Wanda Lorea.

Marty stated the OVAW grant was denied last year based on a lack of a sustainability plan, listing on in-kind contribution, stronger link between equipment requests and a

tighter narrative. It is an approximately \$400,000 grant. She stated the goal is protect victims and witnesses and provide swift action for perpetrators. Marty gave an overview of the requirements for the grant. She explained there is an employee whose salary would be picked up by the grant with matching required from the County at .3% in 2011. She stated there is also a transcriptionist position included within the grant. George stated these positions are funded half from the County Attorney's Office and the other half from the Sheriff's Office. He further stated the employee mentioned above saves numerous hours for detectives for these violence cases. Commissioner Grandstaff asked for clarification of the salary requirements for the County with the grant submittal. George replied the salary requirements would be split between the County Attorney's Office and Sheriff's Office. Further discussion followed regarding the hard funding of the three positions included within the grant after the two year term. Commissioner Rokosch expressed his concerns with approving the submittal of this grant without the known hard costs to the County. **The Board agreed to have Marty come back on Monday to submit hard costs to the Board before approval.**

► The Board met for the continuation of the public hearing for Nighthawk Meadows Major Subdivision from December 22<sup>nd</sup>. Present were Planner Randy Fifrick, Planner Jon Wickersham, Planner Tristan Riddell, Representatives John Kellogg, Duncan Jakes and Chris Cobb-Taggart, and Owners Dr. and Mrs. Michael Turner.

Randy gave a recap of the previous hearing and stated Criterion 3 Effects on Local Services and Criterion 5 Effects on Wildlife and Wildlife Habitat have not been deemed sufficiently or not sufficiently mitigated by the Board. He stated the letter from FWP clarifying their comments was received. He stated he also spoke with Road & Bridge Department Supervisor David Ohnstad and David stated they did not include replacing the culvert for the pro rata calculations. John Kellogg stated they will submit a drainage plan for the culvert to increase flow to the south. Commissioner Rokosch requested clarifying the recommendations. Randy suggested making the recommendations part of the conditions. John Kellogg stated the relief drainage for the neighbors to the southwest would be an improvement to the north side ditch on Nighthawk Lane. Duncan Jakes stated DEQ may have some different recommendations. Tristan stated this is not part of the original drainage and grading plan.

Randy stated there were some changes to Condition 15 to leave room for a bus shelter, Condition 11 for school district mitigation, Condition 21 for general services and Condition 9 for public health and safety. He recapped the offered mitigation as \$750 per new lot to the School District, \$500 per new lot to the Hamilton Fire District, \$500 per new lot to public health and safety services and \$200 per new lot for general services all payable upon final plat approval.

Commissioner Grandstaff opened board deliberation for Criterion 3 Effects on Local Services. She requested \$1,100 per lot for the 5 new lots for mitigation of the impacts on the Hamilton School District. Dr. Turner asked for clarification to recap the agreed offered mitigation. Commissioner Grandstaff replied **\$500 per new lot to the Hamilton Fire District, \$500 per new lot to public health and safety services and \$200 per new**

**lot for general services all payable upon final plat approval.** She stated they are now negotiating the mitigation for the Hamilton School District. Dr. Turner offered \$1,000 per new lot for School District mitigation. Commissioner Rokosch expressed his concerns with the effects on the School District and how the tax collected does not go directly to the school district immediately. **Dr. Turner then offered \$1,100 per new lot for Hamilton School District.**

Commissioner Rokosch discussed replacing the culvert. John Kellogg expressed his concern with making it part of the drainage plans. Duncan suggested making it part of the road plans. Commissioner Driscoll asked if DEQ looks at the neighbors septic being affected. Duncan replied their only concern is water from post-construction not integrating others' septic. Commissioner Rokosch stated for clarification the culvert and drainage are separate from pro rata calculations. Duncan replied there is a reviewer from the Road Department for meeting the conditions. Commissioner Rokosch stated the considerations for the drainage plan from both DEQ and Road Department to review sufficiently convey any stormwater along Nighthawk Lane to prevent over topping and is delivered to Owings Creek. **All Commissioners voted sufficiently mitigated.**

Commissioner Rokosch stated FWP is not recommending denial based on the Elk habitat. He stated there is concern of cumulative impacts of this subdivision. He stated there is room to discuss the density of this subdivision. He asked if there is any consideration of making Lots 1 and 2 into a single parcel and Lots 3 and 4 into a single parcel. John replied it is not a crucial Winter Big Game Range. He stated there are some larger parcels to the west and it is less dense than recently proposed subdivision to the west road. Chris asked about the Ricketts Road Voluntary District. Commissioner Grandstaff replied the parcels are 5 acres. John stated the lots sizes are not out of line with what is occurring in the area. Chris offered to have the lot sizes as non-amendable items per Commission approval.

Commissioner Rokosch expressed his concern with the elk herd and the cumulative impacts of these owner's dogs bringing them down and traffic. Those decisions should have been considered when the other subdivisions were approved. John stated FWP historically has never come out and said there would be no impact at all from development. With this subdivision, it is acceptable. Further discussion followed regarding the elk herd. Commissioner Rokosch then again requested any consideration of reducing the lots. Duncan asked how 4 homes not 6 homes are going to help the elk herd. John Kellogg replied he believes it would help to the elk herd to have the 6 homes. FWP did not indicate any effects of 2 additional homes. Dr. Turner stated he does not believe it would be economically viable to reduce the number of lots. All Commissioners voted non-sufficiently mitigated.

Randy recapped the concerns from the previous meeting: condition for a 20 foot road, water rights to Montana Water Trust, deed restriction of no further subdivision, DEQ water culvert, and FWP testimony. Commissioner Grandstaff discussed the sidewalks or walk paths. John replied the walkway along the subdivision would be a headache for snow removal and a maintenance issue as well as little use. He stated it would be a long

time before it could connect to another sidewalk or pathway. His concern is if they do put in the walkway, then where would it go? He stated it is a dead end cul-de-sac road and building the walkway at this point would be an issue of maintenance. Commissioner Driscoll stated anytime there is an opportunity for public safety she is in favor of it. She stated a walkway is needed.

Randy stated the reason why the trail was put in the Staff Report was for the children to reach the school bus stop safely. He stated with the road grade it would be too slick to provide adequate distance between traffic and the children. Commissioner Grandstaff requested the pathway. John replied it was a recommended condition by Staff. He stated the Planning Board voted to remove it and then Staff decided to put it back in due to safety. Randy stated it is Condition 16 for a five foot wide ADA compliant trail. Chris stated the County does not have adopted standards for ADA. Commissioner Grandstaff stated the ADA has their own standards which are federal standards. The Board concurred to not remove Condition 16. Duncan questioned the 20 foot wide asphalt with one foot shoulders. He requested clarification for requirements. Commissioner Grandstaff suggested having the Fire District meet with the Road & Bridge Department Supervisor David Ohnstad for the requirements. Duncan stated he would like to stick with the original 18 foot wide asphalt pavement with two foot shoulders at the same slope. It is not taking away drivability. Randy stated David Ohnstad is aware of the request and does not agree with the Fire District. Randy stated the Fire Districts' interpretation of the NPA is pavement. Tristan stated the road meets current AASHTO standards which are 18 feet paved surface with two foot shoulders. Commissioner Rokosch stated the letter received from the Ravalli County Fire Council is a request. Commissioner Grandstaff stated she is willing to stick to the standards for this subdivision. Tristan stated the widening of the road would not require a road plan review. Duncan stated the road meets the Fire District's request for a 20 foot wide travel surface as it is an 18 foot wide road and two foot shoulders at the same level. **The Board agreed to have the road at 18 feet wide asphalted with two foot shoulders.**

**Commissioner Driscoll made a motion to approve the Nighthawk Meadows Major Subdivision based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report and as amended here today including the acceptance of cash in lieu of parkland dedication. Commissioner Grandstaff seconded the motion. Discussion: Commissioner Rokosch expressed his concerns with the density and the wildlife habitat. He stated there would have to be additional discussion with FWP for the elk herd winter range. All voted 'aye'.**

► **The Board met for minute approval of December 18<sup>th</sup> and 29<sup>th</sup>. Commissioner Rokosch made a motion to approve the minutes for December 18<sup>th</sup> and 29<sup>th</sup> as presented. Commissioner Driscoll seconded the motion and all voted 'aye'.**

► **The Board met for a Planning Board applicant interview in the afternoon.**